



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,110	12/06/2000	Jeffrey L. Strunk	19336-1574001	7941

7590 12/23/2004

Chris A. Caseiro  
Pierce Atwood  
One Monument Square  
Portland, ME 04101

EXAMINER

BHATTACHARYA, SAM

ART UNIT PAPER NUMBER

2687

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/731,110

**Applicant(s)**

STRUNK ET AL.

**Examiner**

Sam Bhattacharya

**Art Unit**

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-31,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-31,33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25, 26, 29 and 31 rejected under 35 U.S.C. 102(b) as being anticipated by LaPorta et al. (US 5,974,300).

Regarding claims 25, LaPorta et al. disclose a system for the creation and maintenance of a wireless directory service, including a central network station 30 carrying out software-based instructions in the generation of a database system of contact information for wireless communication devices, and a switch station 18 coupled to the central network station and to one or more telecommunications service providers 22, 24 to gather the contact information for one or more wireless communication devices from the one or more telecommunications service providers. See FIG. 1, col. 4, lines 44-63 and col. 5, lines 16-27.

Regarding claims 26 and 31, LaPorta et al. disclose that the central network station further allows selective access to the contact information and transmits the contact information to one or more parties upon request. See col. 14, lines 60-65 and col. 15, lines 17-21.

Regarding claim 29 LaPorta et al. disclose that the central network station includes a database 32 for storing the contact information. See col. 4, lines 64-67.

Art Unit: 2687

3. Claims 27, 28, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta et al. in view of Dreke et al. (U.S. Patent Application Publication 2002/0035594 A1).

As to claims 27, 28, 33 and 34, the LaPorta reference fails to disclose that the switch station polls the telecommunications service provider stations at selectable frequencies one or more times a day.

However, the Dreke reference teaches means for interfacing poll said telecommunications service provider stations at selectable frequencies ("either the server periodically pushes presence information to each interested user via the user's client computer (as in the AOL<sup>TM</sup> system) or the user uses a client computer to periodically poll the server to receive the presence information" (page 1, col. 2, lines 1-5). "Frequent polls from the client computer to the server are employed so that newly connecting users receive updated presence information in a timely manner" (page 1, col. 2, lines 6-10). "Each user polls the server every 90 seconds to check for the presence of another user" (page 1, col. 2, lines 18-19). "The present invention is not limited to the Internet. Any network would suffice. In addition to tracking peers, the present invention is also intended to keep track of devices, people and services" (page 2, col. 1, paragraph [0014], lines 5-8)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system and method of LaPorta et al. wherein means for interfacing poll said telecommunications service provider stations at selectable frequencies, as taught by Dreke, in order to receive updated contact information in a timely manner.

4. Claim 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta et al. in view of Thorner et al. (WO 98/56158).

As to claim 30, the LaPorta fails to explicitly disclose the central network station includes means for enabling a device user to enter data and update certain stored contact information. The Thorner reference teaches the central network station includes means for enabling a device user to enter data and update certain stored contact information ("the database 3 could also comprise an extra database portion 3' in which customers could add data regarding themselves and/or write corrected data or temporary data regarding telephone number or the like. This database 3' is not intended to be monitored by the monitor 9 but could be used as means for making updating more often (for instance every week) than once a year when telephone books are normally updated. It could be possible to let a customer for instance place a certain mark at the data regarding him, even if he is not allowed to make any other amendments in the electronic phone book as represented by the database 3. The presence of such a mark instructs the search motor to search in the database portion 3'" (page 10, line 23 to page 11, line 2)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system and method of LaPorta et al. wherein the central network station includes means for enabling a device user to enter data and update certain stored contact information, as taught by Thorner, in order to allow customers to add data regarding themselves and/or write corrected data or temporary data regarding telephone number or the like.

***Response to Arguments***

5. Applicant's arguments with respect to claims 25-31, 33 and 34 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 605-1171.

The examiner can normally be reached on weekdays 8:30 a.m. to 6:00 p.m., first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (703) 305-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

  
12/20/04  
LESTER G. KINCAID  
PRIMARY EXAMINER